

Ordinance No. 4024

An Ordinance Amending the Principal Uses Permitted in Residential Zones Contained in Anacortes Municipal Code Chapter 19.41.040 to Facilitate the Development of Day Care II Facilities in the R4 Zone

Whereas the availability of affordable childcare is foundational to the economy; and

Whereas the City has long recognized a severe need for additional childcare capacity in Anacortes; and

Whereas the COVID-19 pandemic resulted in the closure of childcare facilities as stay-at-home orders directly caused closures or caused under-enrollment; and

Whereas our emergence from the COVID-19 pandemic has created an even greater need for childcare facilities; and

Whereas quality childcare is critical for the academic and socioemotional foundations of children; and

Whereas the availability of affordable childcare is critical for working families; and

Whereas many businesses are currently affected by labor shortages due in part to the lack of availability of childcare for the children of potential employees; and

Whereas the City's development code requires application of the Type 4 conditional use permit process to establish new childcare facilities in residential zones; and

Whereas the Type 4 review process is the highest level of review in the AMC (AMC 19.20.030.C) and requires public hearing before the Planning Commission and approval by the City Council; and

Whereas specifically AMC 19.44.010 defines "day care II" to include child day care serving more than 12 children in any 24-hour period, or any day care as a principal use; and AMC 19.41.040 makes "day care II" a conditional use in all zones where it is allowed, including the R4 zone; and

Whereas the Type 4 conditional use permit process is lengthy and expensive for permit applicants; and

Whereas other higher intensity uses, including multifamily residences, assisted living facilities and bed and breakfasts, are allowed in the R4 zone without a conditional use permit; and

Whereas, the City Council adopted interim Ordinance 3091 July 12, 2021;

Whereas, a public comment opportunity was provided for at the September 14, 2022 Planning Commission meeting; and

Whereas, the City Council considered the Planning Commission recommendation at a meeting on [DATE].

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

Section 1. The City Council finds that:

- a. an immediate and urgent need for childcare facilities exists in the City of Anacortes;
- b. the cost, delay, and uncertainty of the conditional use permit process reduces the likelihood that new childcare facilities will be established;
- c. the design and performance standards in the Unified Development Code for non-residential and multifamily buildings effectively mitigate the impacts of childcare facilities on neighboring uses in the R4 zone;
- d. the R4 zone, as a high-density residential zone that is intended by the Comprehensive Plan to serve as a transition from high intensity uses such as commercial or industrial development, to lower intensity residential areas, is ideal for new childcare facilities;
- e. a day care II facility in the R-4 zone will not create more impact than some of the other high-intensity uses already allowed in the R-4 zone as permitted uses;
- f. the Type 4 Conditional Use Permit process is unnecessary for day care II facilities in the R4 zone.

Section 2. Table 19.41.040 in AMC 19.41.040 is amended to make “day care II facilities” a permitted use in the R4 zone.

Section 3. The Anacortes Municipal Code is amended as described in Attachment A.

Section 4. Per RCW 36.70A.106, a copy of this ordinance shall be submitted to the State Department of Commerce.

Section 5. Per RCW 35A.12.130, this ordinance takes effect five days after its passage and publication.

PASSED and APPROVED this ___ day of _____, 2022.

APPROVED:

Matt Miller, Mayor

Attest:

Steve D. Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy Swetnam, City Attorney

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ATTACHMENT A

AMC 19.44.010 Day Care.

A. *Day Care Use Category.* A facility providing care, protection and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day. Day care includes the following uses:

1. Day care I facilities.

2. Day care II facilities.

B. *Definition.* An establishment for group care of nonresident adults or children. Specifically:

1. Day care includes child day care services, adult day care centers, and all of the following:

a. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services.

b. Nursery schools for children under minimum age for education in public schools.

c. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school.

d. Programs covering before- and after-school care for school children.

2. Day care establishments are subclassified as follows:

a. Day care I—a maximum of 12 adults or children in any 24-hour period, based within a residential dwelling, and as provided for in RCW 35A.63.215.

b. Day care II—over 12 adults or children in any 24-hour period or day care as a principal use. (Ord. 3040 § 2 (Att. A), 2019)

3. Day care II in the R4 Use Zone as designated in Table 19.41.040 must meet the following criteria:

a. An approved passenger drop off and pickup area must be provided adjacent to the site.

b. Parking must be provided in an amount equal to the number of staff on the largest hourly shift.

c. The facility must meet all licensing requirement consistent with Washington State Department of Children, Youth, and Families (DCYF) licensor including interior floor space, fencing and outdoor open space area.

d. The maximum building size must not exceed 4,000 square feet.

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